

# Exhibit B

Ryan Vos

Hadsell v. Mandarich Law Group, LLC

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

RICHARD A. HADSELL,

Plaintiff,

vs.

Case No.: 12-CV-0235-L-RBB

MANDARICH LAW GROUP, LLP, AND  
CACH, LLC,

Defendants.

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Deposition of RYAN VOS

September 26, 2012

San Diego, California

Reported by: Angie Schultz-Messenger, CSR No. 11742

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MANDARICH LAW GROUP, LLP, AND  
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Deposition of RYAN VOS, taken on behalf of  
Plaintiff, commencing on Wednesday, September 26,  
2012, at 1:15 p.m., taking place at 701 B Street,  
Suite 1115, San Diego, California , before  
Angie Schultz-Messenger, Certified Shorthand Reporter,  
certificate number 11742.

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APPEARANCES OF COUNSEL

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1 statement or the last statement that was produced. I  
2 think it goes through January 2011.

3 MS. STRICKLER: Is that a question?

4 MR. SWIGART: No. He's still looking. I  
5 still have to phrase the question.

6 THE WITNESS: 78.

7 BY MR. SWIGART:

8 Q. 78.

9 A. 80 and 81, I think they're all the same.

10 Q. Got it. So 78.

11 A. I believe this is the charge-off statement.

12 Q. Okay. And what -- what makes you believe  
13 that this is the charge-off statement?

14 A. Like you mentioned, it looks like the final  
15 statement that was submitted and also matches the  
16 balance upon which we sued.

17 Q. I understand it may match the balance on  
18 which you sued. Obviously we can reconcile the  
19 number. What makes you believe it was the final  
20 statement.

21 A. Last one in the sequence that we have.

22 Q. It's the last one that your office had in  
23 its possession?

24 A. Uh-huh.

25 Q. That's correct?

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1 A. That's correct.

2 Q. Okay. Did anyone in your office or yourself  
3 go back and make a request by CACH or anyone else --

4 MS. STRICKLER: Objection.

5 MR. SWIGART: Hold on. Let me finish the  
6 question.

7 MS. STRICKLER: If you're talking about a  
8 request -- but you can continue your question.

9 MR. SWIGART: Appreciate it. You don't even  
10 know what you're objecting to yet.

11 MS. STRICKLER: You asked did anyone make a  
12 request between CACH and MLB, and any communication is  
13 going to be privileged, so I can catch it in advance.

14 MR. SWIGART: What if it's not by an  
15 attorney? I said "anybody."

16 MS. STRICKLER: It's going to be covered,  
17 but go ahead.

18 MR. SWIGART: Really?

19 MS. STRICKLER: Do you want to just continue  
20 the deposition, or do you want to get in an argument?

21 MR. SWIGART: It just doesn't make any  
22 sense. You don't know what my question is. If I said  
23 one of their collectors called FIA or CACH, that's  
24 privileged?

25 MS. STRICKLER: They're members of a law

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1 firm. Okay? They're employees of a law firm.  
2 There's different regulations.

3 MR. SWIGART: Okay. Let me finish my  
4 question, so we can have a clear record and clear  
5 objection.

6 MS. STRICKLER: Go ahead.

7 BY MR. SWIGART:

8 Q. Do you have any knowledge if there was any  
9 request by anybody at Mandarich of the original  
10 creditor to verify that this was the last statement?

11 MS. STRICKLER: I guess you can answer if  
12 you have any -- you can answer yes or no.

13 THE WITNESS: I don't have any personal  
14 knowledge.

15 BY MR. SWIGART:

16 Q. Okay. Does your office keep any records  
17 that would -- you could go back and review to see if  
18 that took place?

19 A. It's possible. I can't confirm or deny  
20 whether they have a record of it or they don't have a  
21 record of it. But I could look, you know. I don't  
22 know if it exists.

23 Q. Is that something that regularly takes place  
24 on these files, if someone from your office would  
25 communicate with the original creditor to get

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1 documents?

2 A. We don't communicate with the original  
3 creditors. Mandarich Law Group doesn't communicate  
4 with the original creditor.

5 Q. In any case you've worked on?

6 A. No.

7 Q. Okay. Okay. So just so we're clear, 78  
8 through 80, that's the last statement that your office  
9 has with regard to the account that's subject to the  
10 state court complaint?

11 A. It appears to be that, yes. There's a lot  
12 of statements in here, but it appears to be that.

13 Q. I know before the deposition your attorney  
14 and I were talking off the record where there's some  
15 additional documents that either you or CACH had  
16 received just recently. Are any of those documents --  
17 let me ask you this question first: Have you reviewed  
18 those documents?

19 A. The one we talked about is the only one I  
20 looked at. So I don't know when -- there's a lot of  
21 documents on this file.

22 Q. Right.

23 A. I didn't look at the dates and when they  
24 were ordered, I didn't look at the dates when they  
25 were received. This particular one stood out because



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1 of what we talked about, so I opened it up and looked  
2 at it. And I noticed it was a later -- it was a  
3 document that was received recently.

4 Q. Okay.

5 A. If that makes sense.

6 Q. That document, was it a statement?

7 A. It was a pay stub. It's two copies of two  
8 checks written by Mr. Hadsell.

9 Q. Okay. So payment on the account?

10 A. Yes. With a signature, yes.

11 Q. Okay. Gotcha. Perfect. So going back to  
12 what would be available for you to review before the  
13 filing of the complaint. Talking about the bill of  
14 sale, the charge-off statement, correct?

15 A. This particular complaint?

16 Q. Yes, sir.

17 A. So that was what was available at the time,  
18 yes.

19 Q. Okay. What about, like, a terms and  
20 conditions sheet, did you ever see that in  
21 relationship to this file?

22 A. Uh-huh. To this file or just in general?

23 Q. No. I don't want to talk about generally.  
24 We'd be here forever. I want to talk about this file,  
25 and we can be done. This file specifically, a terms

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1 and conditions sheet.

2 A. I don't recall. I don't recall either when  
3 I was looking at the one for this particular file or  
4 not.

5 Q. Okay.

6 A. I don't know if we've even submitted one.

7 Q. When you say you haven't submitted one --

8 A. Did we produce one in evidence? I don't  
9 believe we have.

10 Q. Let me represent to you that there is not  
11 one in Exhibit 2. I think Mr. West testified to that.  
12 I'm just asking you to close the loop, are you aware  
13 of a terms and conditions sheet that --

14 A. I'm personally not, no. But I'm not the  
15 person litigating this file.

16 Q. Okay. Fair enough. All right. Okay. Any  
17 other documents that you or your office would have  
18 reviewed before the filing of the state court  
19 complaint that we haven't covered?

20 A. Again, anything that was available at the  
21 time. So I couldn't be specific. I mean, sometimes  
22 we have a lot of documents right way, sometimes we get  
23 documents later. It depends.

24 Q. Okay. So as you sit here today, you can't  
25 recall exactly what was reviewed or what wasn't

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1 reviewed before the filing of the state court  
2 complaint?

3 A. I know that the bill of sale, one of these  
4 statements, this charge-off was reviewed.

5 Q. The documents 78, 79 and 80?

6 A. Yes.

7 Q. And the loan schedule?

8 A. And the loan schedule. I'm not sure if the  
9 loan schedule was reviewed.

10 Q. Okay. You're the attorney who signed the  
11 complaint?

12 A. Yes.

13 Q. Okay. So you don't recall if that was  
14 reviewed?

15 A. No. It was about a year ago.

16 Q. Okay. I'm sure you guys have a lot of  
17 cases.

18 A. Even regardless, it was a year ago, so I  
19 don't remember.

20 Q. Fair enough. Okay. Enough of that. Let's  
21 just talk about the system in general. I'm talking a  
22 little bit generally about accounts coming from CACH  
23 to your law office, and then it's going to drill down  
24 into the specifics of this case.

25 When you get accounts from CACH, what's the

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1 process you go through? And let me ask you  
2 specifically to short circuit it, do you send  
3 collection letters to the debtor?

4 A. Yes.

5 Q. Okay. And is there like a standardized  
6 procedure that you go through as far as a series of  
7 letters that get sent out?

8 A. Can you clarify what you mean by "series of  
9 letters"?

10 Q. Yeah. And I don't know, because I haven't  
11 taken your guys' deposition before. If we can walk  
12 through as far as a standard file, if you were to get  
13 it from CACH -- let's talk about Mr. Hadsell. You get  
14 the account from CACH. Is there a standard first  
15 letter that goes out?

16 A. Yeah. So for this particular file there was  
17 a standard letter that would have went out.

18 Q. Okay.

19 A. I think it was -- it was a letter that went  
20 out in November when we received the file, FDCPA  
21 letter. Standard Dunning was what we all call it.

22 Q. November 2011?

23 A. Yes.

24 Q. Okay. Like the first letter?

25 A. The first letter, that would be the first

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1 letter.

2 Q. And your review of the file, that letter was  
3 sent out?

4 A. Say that again.

5 Q. Your review of the file is that letter was  
6 sent out?

7 A. Yes.

8 Q. And any response from Mr. Hadsell?

9 A. No.

10 Q. Okay. After that letter was sent out in  
11 this case, did you send a second letter?

12 A. We did.

13 Q. Okay. Do you know about when that was?

14 A. In, I want to say, the first or second week  
15 of December, so there was at least a lapse of 30 days  
16 before the second letter went out.

17 Q. Gotcha.

18 A. It was notice of intent to sue.

19 Q. Okay. And your review the file, did you get  
20 any response from Mr. Hadsell?

21 A. No, we did not.

22 Q. Okay. Was there a third letter that was  
23 sent out?

24 A. No.

25 Q. Okay. Then just the lawsuit?

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1 A. Yes.

2 Q. Okay. How about any written correspondence  
3 received by Mr. Hadsell, did your office receive any?

4 A. They did not.

5 Q. Okay. Let's just talk a little bit about  
6 the procedures that your office has in place when it  
7 receives correspondence. Would it be accurate in  
8 saying the letters that get sent out such as the  
9 letter that -- or both letters that were sent to  
10 Mr. Hadsell, is there a correspondence return address  
11 that's on the letter?

12 A. Yes.

13 Q. Okay. And in your experience as an attorney  
14 at Mandarich, have you ever received correspondence  
15 back from the consumer in response to the letters?

16 A. Are you asking for this file particularly?

17 Q. I'm talking about generally, because I think  
18 you testified that you got no letter in this case.

19 A. That's correct.

20 Q. Okay. So just generally has that ever  
21 happened?

22 A. Yes.

23 Q. Okay. Is there some type of procedure set  
24 up on how you receive those letters?

25 A. I mean, what do you mean by how do we

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1 receive them?

2 Q. For instance, the mail comes into my office,  
3 there's a certain procedure, it goes through certain  
4 people, and the mail gets distributed, and those  
5 letters or pleadings, they get put in files so there's  
6 a record.

7 I'm trying to get -- I know you have a lot of  
8 cases in your office. If you receive correspondence  
9 back from the consumer, from the borrower, how is that  
10 written correspondence handled, if at all?

11 A. Okay. You're specifically talking about  
12 something from the consumer as opposed to return mail?

13 Q. Yes, sir, from the consumer, a written  
14 response, not just a return mail.

15 A. We absolutely have procedures set in place  
16 for that.

17 Q. Okay. What would that be?

18 A. The mail comes in, we have one designated  
19 person that goes through it for the day. They go  
20 through it, they put it into the file, so whichever  
21 file it is. And whatever -- depending on what type of  
22 mail it is, they give it to the department that's  
23 responsible for handling that type of mail.

24 Q. Okay. And is it tracked in the file  
25 somewhere?

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REPORTER'S CERTIFICATION

I, Angie Messenger, a certified shorthand reporter, in and for the State of California, Certificate No. 11742, do hereby certify:

That the foregoing proceedings were reported by me stenographically and later transcribed into typewriting under my direction; that the foregoing is a true record of the proceedings taken at that time.

IN WITNESS WHEREOF, I have subscribed my name this 8TH day of October, 2012.



*Angie Messenger*  
Angie Messenger, CSR No. 11742